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GUIDE FOR SPANISH EMPLOYERS: NEW EMPLOYEE TRANSPARENCY REQUIREMENTS

New transparency rules come into force in Spain on 5 October 2026, introducing broader obligations for employers to provide employees with clear and detailed information about their employment conditions.

The new rules replace the previous framework on information to be provided to employees and significantly expand the matters that employers must communicate during the employment relationship.

This guide explains what Spanish employers should review and what steps they should take to ensure compliance.

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1. What information must employers provide?

Employers must ensure that employees receive written information covering the main conditions of their employment.

This includes, among other matters:

- **Position and duties:** the employee's position, main duties and professional classification.
- **Place of work:** the usual workplace and, where applicable, remote or hybrid working arrangements.
- **Remuneration:** basic salary, salary supplements and any variable remuneration.
- **Working time:** ordinary working hours, their distribution, shifts and applicable overtime arrangements.
- **Annual leave:** the employee's entitlement to annual leave, and procedure.
- **Probationary period:** its duration and the conditions that apply.
- **Training:** any training provided or required by the employer.
- **Collective bargaining:** the applicable collective bargaining agreement, including its identification details.
- **Social protection:** relevant Social Security and supplementary social protection arrangements.
- **Termination:** the applicable procedures and notice requirements.

The applicable collective bargaining agreement should be clearly identified, including its code and date of publication.

Not all information necessarily needs to be included in the employment contract itself. Where permitted, employers may provide certain information in a separate document or by making a sufficiently precise reference to the applicable legislation or collective agreement.

2. Working hours and predictability

The new requirements place particular emphasis on working time and predictability.

Employees should be informed not only of their ordinary working hours, but also of how those hours are distributed.

Depending on the organisation of working time, employers may also need to provide information regarding:

- shifts and shift patterns;
- changes to working schedules;
- overtime;

- irregular distribution of working time; and
- the notice periods applicable when working time is assigned, changed or cancelled.

Additional information requirements apply to fixed-discontinuous employees, reflecting the particular way in which their working periods are organised.

What should employers review?

Employers should check whether their contracts and employment documentation accurately reflect the way employees actually work.

For example, employers should review situations where:

- employees have variable working schedules;
- working hours change depending on business needs;
- shifts are allocated with different notice periods;
- employees regularly work overtime; or
- working time is distributed irregularly throughout the year.

The objective should be to ensure that the information provided to employees is sufficiently clear and accurately reflects the arrangements actually in place.

3. Remote working and work abroad

Employers should also review the information provided to employees who work remotely or from different locations.

Where an employee works under a remote or hybrid arrangement, the relevant documentation should clearly establish the applicable working arrangements.

Particular care should be taken where employees work temporarily from another country, as this may also have implications for Social Security, tax, immigration and applicable employment rules.

Employers should therefore ensure that any international working arrangement is properly documented before the employee starts working from abroad.

4. Automated decision-making and AI

The new transparency requirements also cover situations where employers use automated or algorithmic systems that can affect employees' working conditions.

Where applicable, employees must be informed about the existence of these systems and the relevant rules or criteria governing their operation.

This may be relevant where businesses use automated tools or artificial intelligence for purposes such as:

- recruitment;
- workforce management;
- task allocation;
- remuneration;
- performance management; or
- professional progression.

Employers using these systems should review how they operate and whether employees are required to receive additional information about them.

5. What about employees who are already working for the company?

Employers **do not have to automatically replace or rewrite every existing employment contract** simply because the new rules have entered into force.

However, employees whose employment relationship was already in place on **5 October 2026** may request information covered by the new requirements that they have not previously received.

If an employee makes such a request, the employer will generally have **30 working days** to provide the relevant information.

This means that employers should have a process in place for identifying and responding to these requests.

Important distinction

There is a difference between:

Existing employment conditions	**New or amended employment conditions from 5 October 2026**
→ Employers do not generally need to rewrite every existing contract immediately.	→ Any changes must be communicated in accordance with the new transparency requirements.

Employers should therefore pay particular attention whenever an employee's working conditions are changed.

6. What should employers do now?

The new rules do not necessarily require employers to take the same action for every employee. However, they should review their existing documentation and procedures to identify any gaps.

We recommend the following practical steps:

Step 1 — Review employment contract templates
Check that the company's standard employment contracts contain, or appropriately refer to, all information that must be provided to employees.

Step 2 — Review supplementary documents
Identify information that is currently provided separately from the employment contract and check that it remains sufficiently clear and complete.

Step 3 — Check working-time arrangements
Review how working hours, shifts, overtime and irregular working time are documented.

Step 4 — Check the applicable collective agreement
Ensure that the relevant collective bargaining agreement is clearly identified, including its code and publication date.

Step 5 — Review remote and international working arrangements
Check that remote working, hybrid working and any arrangements involving work from another country are properly documented.

Step 6 — Review procedures for changes to employment conditions
Make sure there is a clear process for communicating changes to salary, working hours, duties, workplace or other employment conditions.

Step 7 — Review the use of AI and automated systems
Identify any automated or algorithmic tools that may influence recruitment, working conditions, remuneration, performance or career progression and assess whether additional employee information is required.

Step 8 — Keep evidence of compliance
Employers should be able to demonstrate that the required information has been provided to employees.

Documentation should therefore be provided in a way that allows employees to access and retain it, while the employer should keep appropriate records of what was provided and when.

7. Key points for employers

The new rules do not mean that every existing employment contract must be rewritten immediately.

However, employers should ensure that:

1. Employees receive clear information about their employment conditions.
2. Working hours and their distribution are properly documented.
3. The applicable collective agreement is clearly identified.
4. Changes to employment conditions are properly communicated.
5. Remote and international working arrangements are documented.
6. Any relevant use of AI or automated decision-making systems is reviewed.
7. The employer can demonstrate that the required information has been provided.

The new transparency framework increases the level of information employers are expected to provide and makes accurate, up-to-date employment documentation increasingly important.

Employers should therefore use the introduction of these rules as an opportunity to review their employment contracts, HR documentation and internal procedures and ensure that they accurately reflect the conditions under which their employees are working.

Main legislation

The new requirements are introduced through the Spanish legislation implementing the EU rules on transparent and predictable working conditions, which replace the previous framework governing employee information.

Employer checklist

Employers should check that their current employment documentation clearly covers:

☐ Position and duties
☐ Professional classification
☐ Workplace and remote working arrangements
☐ Salary and variable remuneration
☐ Working hours and distribution
☐ Overtime arrangements
☐ Annual leave
☐ Probationary period
☐ Training
☐ Applicable collective agreement
☐ Social Security and supplementary protection
☐ Termination and notice requirements

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